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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,227	07/24/2003	George Irvin	21520-RA	4553

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EXAMINER

FASTOVSKY, LEONID M

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 10/626,227	Applicant(s) IRVIN, GEORGE	
	Examiner Leonid M. Fastovsky	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-21 is/are pending in the application.
- 4a) Of the above claim(s) 18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-17, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browder (4,035,606) in view of Nakamoto and further in view of DeHart.

Browder discloses a temperature controlled raincoat- garment 10 for covering head and body (Fig. 1-5) including a zipper 26, and electrical heating through a resistance electrical wire 15, battery 16 and through an electrical switch 17, but does not disclose a catalytic heater and an eye opener in the garment.

Nakamoto discloses a temperature controlled garment 71, comprising a catalytic heater 101 and covering a wearer's body, torso and arms.

Dehart discloses a hooded garment having an eye opener 406 and goggles 804. It would have been obvious to one having ordinary skill in the art to modify Browder's invention to include a face and a head garment with eye opener and goggles as taught by DeHart for better face protection and a catalytic heater as taught by Nakamoto in order to breath air within the envelope of the garment.

3. Claims 10-11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Browder in view of Nakamoto and further in view of Holly.

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Browder in view of Nakamoto discloses substantially the claimed invention, but does not disclose a collapsible chair. Holly discloses a body warmer 10 having a heat source 22 and a collapsible chair 74. It would have been obvious to one having ordinary skill in the art to modify the invention of Browder in view of Nakamoto to include a collapsible chair in their temperature control garment as taught by Holly in order to provide a comfortable portable seating.

4. Claims 12-13, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browder in view of Nakamoto and DeHart and further in view of Conley (650,074) and Laseman (3,837,006).

Browder in view of Nakamoto and DeHart discloses substantially the claimed invention including a button-up neck 112 disclosed by DeHart that can be used as a snap flap to cover a zipper entry, but does not disclose a flap, a zipper across one torso portion back wall, a front zipper extending to the bottom of the base portion and a secure grommet.

Conley discloses a garment –overcoat with an opening across a torso portion back wall with buttons (Fig. 1, col. 1, lines 10-20, col. 2, lines 92-97).

Laseman discloses a sportsman's tent with a zipper 5 extending to the bottom of the base portion and side flaps 9 that can be used as a protection when the floor 8 is used (Fig. 1, col. 2, lines 15-47).

It would have been obvious to one having ordinary skill in the art to modify the invention of Browder in view of Nakamoto and DeHart to include an opening in one torso back wall as taught by Conley and replace it with a zipper instead of buttons as an obvious

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functional equivalent, and further use a floor, a zipper and side flaps as taught by Laseman to extend Browder's zipper to the bottom of the garment and replace side flaps with a securing grommet to the floor as an obvious functional equivalent.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Browder in view of Nakamoto and DeHart and further in view of Laseman.

Browder in view of Nakamoto and DeHart discloses substantially the claimed invention, but does not disclose a securing grommet.

Laseman discloses a sportsman's tent side flaps 9 that can be used as a protection when the floor 8 is used (Fig. 1, col. 2, lines 15-47).

It would have been obvious to one having ordinary skill in the art to modify the invention of Browder in view of Nakamoto and DeHart to include the teaching of Laseman and replace his flaps with a securing grommet to the floor as an obvious functional equivalent.

6. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowder in view of Nakamoto and Dehart and further in view of Dodson.

Bowder in view of Nakamoto and DeHart discloses substantially the claimed invention, but does not disclose means for tethering including an opening for a support cable.

Dodson discloses a garment covering a hunter body having a tether 34 and the tether connecting arrangement 30. It would have been obvious to one having ordinary skill in the art to modify the invention of Bowder in view of Nakamoto and DeHart to include means for tethering as taught by Dodson, including an opening in the back of Browder's garment as an obvious design choice, in order to secure the hunter from falling from the

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tree.

Response to Arguments

7. Applicant's arguments with respect to claims 1-8, 10-17 and 20-21 have been considered but are moot in view of the new ground(s) of rejection.

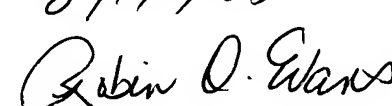
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid M Fastovsky whose telephone number is 571-272-4778. The examiner can normally be reached on M-Th. 8.00 am -6.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Leonid M Fastovsky
Examiner
Art Unit 3742

Imf

8/17/05

ROBIN O. EVANS
PRIMARY EXAMINER
8/18/05